

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRY LEE CHILDS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-0439-HE
)	
DAVID MILLER, ET AL.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach who recommends that plaintiff’s motion seeking to hold “JCCC officials” in contempt “for their alleged actions preventing service of process” should be denied. Because plaintiff has objected to the Report and Recommendation, the matter is reviewed *de novo*. 28 U.S.C. § 636(b)(1).


Plaintiff’s objection reiterates the facts and arguments originally presented to the magistrate judge. “‘To be held in contempt, ‘a court must find the party violated a *specific and definite court order* and the party had notice of the order.’” Report & Recommendation [Doc. #16] (quoting In re Lucre Mgmt. Group, LLC, 365 F.3d 874, 875 (10th Cir. 2004)) (emphasis added). However, as the magistrate judge noted, plaintiff fails to identify “a specific and definite court order violated by the ‘JCCC officials.’” Report &

Recommendation [Doc. #16, p. 1-2].¹

Accordingly, the court concurs with Magistrate Judge Bacharach's analysis and **ADOPTS** his Report and Recommendation. Plaintiff's motion [Doc. #14] is **DENIED**.

IT IS SO ORDERED.

Dated this 20th day of May, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE

¹Indeed, JCCC (James Crabtree Correctional Center) officials are not even listed as defendants in this case, making contempt or sanctions generally unavailable.